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3731

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	**Daniel Gregorich**
Application No.:	**10/606168**
Filed:	**June 25, 2003**
For:	**Varying Circumferential Spanned Connectors In a Stent**
Examiner:	**Not Yet Assigned**
Group Art Unit:	**3731**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Docket No.: S63.2B-10968-US01

TRANSMITTAL LETTER

1. In regard to the above-identified application, in addition to this 2 page transmittal letter, we are submitting the attached: 4 **page Information Disclosure Statement; Copy of 49 References; and Postcard.**

2. With respect to fees:
 - ■ No additional fee is required.
 - □ Attached is check(s) in the amount of $
 - □ Charge additional fee to our Deposit Account No. 22-0350.

3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**
 This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefore.

4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in

the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: September 12, 2003

By: _____
Jeremy G. Laabs
Registration No.: 53170

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Minnetonka, MN 55343-9185
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Facsimile: (952) 563-3001

JGL/des
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Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on September 12, 2003.

Mary C. Granger
Mary C. Granger

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INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, ***except that*** U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

X **I.** This statement qualifies as a no-fee Information Disclosure Statement under *37 C.F.R. §1.97(b)* or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- X (1) within 3 months of the filing date of the application (other than a CPA); or
- ____ (2) within 3 months of entry of the national stage; or
- X (3) before the mailing of a first Office Action on the merits;
- ____ (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- ____ (5) as part of a continued prosecution application (CPA); or
- ____ (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

____ **II.** This statement is believed to require a fee or the submission of a certification under *37 C.F.R. §1.97 (c)* or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- ____ (1) a certification as specified in §1.97(e) is provided below; or
- ____(2) a fee of $180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

_____ **III.** *37 C.F.R. §1.97(d).* If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

_____ (1) a certification as specified in §1.97(e) is completed below; and

_____(2) a fee of $180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

__X__ **IV.** *Fee Authorization.* If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

_____ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

_____ This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

_____ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: September 12, 2003

By: _____
Jeremy G. Laabs
Registration No.: 53170

6109 Blue Circle Drive, Suite 2000
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Facsimile: (952) 563-3001

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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY DOCKET NO.: S63.2B-10968-US01	APPLICATION NO.: 10/606168
	APPLICANT: Daniel Gregorich	
	FILING DATE: June 25, 2003	GROUP: 3731

REFERENCE DESIGNATION **U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS**

EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5091205	2/25/1992	Fan	427/2	
	AB	5674241	10/07/1997	Bley et al.	606/198	
	AC	5683450	11/04/1997	Giocoechea et al.	623/1	
	AD	5700285	12-23-1998	Meyers et al.	623/1	
	AE	5735892	4-07-1998	Meyers et al.	623/1	
	AF	5749880	5-12-1998	Banas et al.	606/198	
	AG	5755770	5-26-1998	Ravenscroft	623/1	
	AH	5824046	10-20-1998	Smith et al.	623/1	
	AI	5843158	12-01-1998	Lenker et al.	623/1	
	AJ	5928279	6-29-1999	Shannon et al.	623/1	
	AK	5957930	9-28-1999	Vrba	606/108	
	AL	5961545	10-05-1999	Lentz	623/1	
	AM	6001125	12-14-1999	Golds et a.	623/1	
	AN	6113627	9-05-2000	Jang	623/1	
	AO	6120522	9-19-2000	Vrba et al.	606/190	
	AP	6123712	9-26-2000	Di Caprio et al.	606/108	
	AQ	6123721	9-26-2000	Jang	623/1	
	AR	6124523	9-26-2000	Banas et al.	623/11	
	AS	6139573	10-31-2000	Sogard et al.	623/1.13	
	AT	6238430	5-29-2001	Klumb et al.	623/1.11	
	AU	6241039	6-05-2001	Jarnstrom et al.	180/69.21	
	AV	6355063	3-12-2002	Calcote	623/1.42	
	AW	6358274	3-19-2002	Thompson	623/1.15	
	AX	6361759	3-26-2002	Frayne et al.	424/9.323	
	AY	6364903	4-02-2002	Tseng et al.	623/1.15	
	AZ	6383214	5-07-2002	Banas et al.	623/1.14	

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EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY DOCKET NO.: S63.2B-10968-US01	APPLICATION NO.: 10/606168
	APPLICANT: Daniel Gregorich	
	FILING DATE: June 25, 2003	GROUP: 3731

REFERENCE DESIGNATION — **U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS**

EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AAA	6395212	5-28-2002	Solem	264/230	
	AAB	6398803	6-04-2002	Layne et al.	623/1.13	
	AAC	6451047	9-17-2002	McCrea et al.	623/1.13	
	AAD	6475235	11-05-2002	Jayaraman	623/1.15	
	AAE	6488700	12-03-2002	Klump et al.	623/1.12	
	AAF	6488701	12-03-2002	Nolting et al.	623/1.13	
	AAG	6514283	2-04-2003	DiMatteo et al.	623/1.13	
	AAH	6520984	2-18-2003	Garrison et al.	623/1.11	
	AAI	6547814	4-15-2003	Edwin et al.	623/1.13	
	AAJ	6547815	4-15-2003	Myers	623/1.13	
	AAK	6558414	5-06-2003	Layne	623/1.13	
	AAL	6558415	5-06-2003	Thompson	623/1.16	
	AAM	6579314	6-17-2003	Lombardi et al.	623/1.44	
	AAN	2001/0039446	11-08-2001	Edwin et al.	623/1.13	
	AAO	2001/0044650	11-22-2001	Simso et al.	623/1.16	
	AAP	2001/0049551	12-06-2001	Tseng et al.	623/1.15	
	AAQ	2002/0040237	4-04-2002	Lentz et al.	623/1.13	
	AAR	2002/0055770	5-09-2002	Doran et al.	623/1.15	
	AAS	2002/0091437	7-11-2002	Tseng et al.	623/1.13	

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY
	BA	0938879	2-24-1999	EP
	BB	02/22024	3-21-2002	WO
	BC	02/055120	7-18-2002	WO

UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY

EXAM'S INIT.		APPLICATION NO.	FILING DATE	INVENTOR(S)
	DA	60/238178	10-05-2000	Fernando DiCaprio, Jan Seppala and Raed Rizq

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.